Customer No. 00027683 Atty. Dkt. No. 36689.259

RESPONSE/REMARKS:

Claims 1, 9-10, 14-15, 27-31, 46-48, 51, 54, and 72-75 were pending at the time of

the Action, and remain pending in the Application.

In response to the Office Action (Election of Species), Applicants hereby elect, without

traverse, the HSV-1 species of Herpesvirus as exemplified in SEQ ID NO:109 for initial

prosecution on the merits. All pending claims read on the elected species.

SUMMARY:

Applicants believe the present submission is complete and timely submitted, and note for the

record their explicit right to re-file claims to one or more aspects of the invention as originally

claimed in one or more continuing application(s) retaining the priority claim from the present and

parent cases.

Should Examiner Hibbert have any questions, a telephone call to the undersigned

Applicants' representative would be sincerely appreciated.

Respectfully submitted,

May 12, 2010

Date

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36689.259 H-836964v1 Certificate of Service

I hereby certify that this correspondence is being filed electronically with the United States Patent and Trademark Office *via* EFS-Web on May 12, 2010.

Michelle Baxter